Trials@uspto.gov
571-272-7822

Paper 14
Entered: November 8, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,
Petitioner,

v.

LEMAIRE ILLUMINATION TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2017-01744
Patent 6,488,390 B1

Before JENNIFER S. BISK, JAMES B. ARPIN, and
ALEX S. YAP, *Administrative Patent Judges*.

YAP, *Administrative Patent Judge*.

ORDER
Granting Joint Motion to Terminate the Proceeding
37 C.F.R. §§ 42.5(a), 42.71(a)

On October 25, 2017, the parties filed a Renewed Joint Motion to Terminate this proceeding. Paper 12. The parties concurrently filed what they represent as a true copy of the settlement agreement (Exhibit 1027) in this proceeding and requested the agreement "be treated as business confidential information maintained under seal, and kept separate from the file of the involved patent pursuant to 37 C.F.R. § 42.74(c)." Paper 12; *see also* 37 C.F.R. § 42.74(c) ("A party to a settlement may request that the settlement be treated as business confidential information and be kept separate from the files of an involved patent or application."). Rule 42.74(c), however, does not provide for placing documents "under seal." Insofar as the parties request anything other than what is provided by Rule 42.74(c), the request is denied.

Patent Owner has not yet filed a Preliminary Response to the Petition, and we have not considered the merits of the Petition. Under these circumstances, we determine that it is appropriate to dismiss the preliminary proceeding. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that the Petition in IPR2017-01744 is *dismissed*; and

FURTHER ORDERED that the settlement agreement (Exhibit 1027) shall be treated as business confidential information under 37 C.F.R. § 42.74(c) and kept separate from the files of the involved U.S. Patent No. 6,488,390 B1.

PETITIONER:

David Makous
LeeHongDegermanKangWaimey
dmakous@lhlaw.com

PATENT OWNER:

Eduardo Drake
Fantastic IP Consulting, LLC
eduardo@fantasticipconsulting.com

Jonathan Rixen
Lemaire Patent Law Firm, PLLC
jrixen@lemairepatent.com